

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**UNITED STATES OF AMERICA,**

**Case No. 6:07-cr-60033-MC-3**

**STIPULATION AND ORDER TO  
AMEND PREVIOUSLY-ENTERED  
JUDGMENT**

**v.**

**MATTHEW HARWAY,**

**Defendant.**

This matter is before the Court on defendant's motion to vacate or correct his sentence pursuant to 28 U.S.C. § 2255 and *Johnson v. United States*, 135 S. Ct. 2552 (2015). Based on the filings to date and the interests of justice in this particular case, the parties agree to resolve this matter, without precedential value in any other case, as follows: the parties agree that the judgment in this case should be amended to reduce the term of imprisonment from 151 months to 132 months, and to add as a condition of supervised release that the defendant be placed in a residential reentry center for up to 120 days. The parties further agree that all other aspects of the previously-imposed judgment and commitment order, including the term and conditions of supervised release, should remain the same.

The parties do not agree regarding the applicable guidelines range, but agree that the proposed sentence is reasonable based on the alternative guidelines ranges under 18 U.S.C.

3553(a)(4), the factors listed in 18 U.S.C. 3553(a), and the desirability of achieving a non-precedential resolution of the pending § 2255 motion. Accordingly, the parties stipulate that an amended Statement of Reasons should be entered finding that the reduced sentence is reasonable in light of the factors listed in 18 U.S.C. 3553(a) and the agreement of the parties to resolve the pending section 2255 motion.

The parties do not anticipate that defendant will be due for release from custody within the next three weeks, and therefore a release plan is unnecessary at this time.

The defendant has consulted with counsel and agreed to waive his right to a re-sentencing hearing and allocution, and any right he may have to be present for the amendment of his sentence, and stipulates to the provisions above.

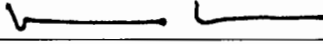
Based on the above, and the Court concurring,

IT IS HEREBY ORDERED that an amended judgment and commitment order shall be prepared and entered in accordance with the stipulation of the parties, deleting the previously imposed term of 151 months' incarceration, and replacing it with a sentence of 132 months' incarceration, and adding as a condition of supervised release that the defendant be placed in a residential reentry center for up to 120 days. All other aspects of the judgment and commitment order previously entered in this case, including the term and conditions of supervised release, shall remain in full force and effect.

IT IS FURTHER ORDERED that an amended Statement of Reasons shall be entered stating that the amended sentence is reasonable based on the factors listed in 18 U.S.C. 3553(a) and the agreement of the parties to resolve the pending § 2255 motion.

Based on the agreement of the parties, this Order will not serve as precedential authority in any other case.

Dated this 30 day of September, 2016.

  
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HONORABLE MICHAEL J. McSHANE  
United States District Court Judge

Presented upon agreement of the parties by:

/s/ Stephen R. Sady  
STEPHEN R. SADY  
Chief Deputy Federal Public Defender  
Counsel for Defendant

BILLY J. WILLIAMS  
United States Attorney

/s/ Frank R. Papagni, Jr.  
FRANK R. PAPAGNI, JR.  
Assistant United States Attorney